

Minutes of the Board of Adjustment meeting held on Monday, April 22, 2013, at 5:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Travis Nay, Chair  
Tom Halliday, Vice-Chair  
Roger Ishino  
Rosi Haidenthaller  
Preston Olsen  
Tim Tingey, Administrative & Development Services Director  
G.L. Critchfield, Deputy City Attorney  
Citizens

The Staff Review meeting was held from 5:15 to 5:30 p.m. The Board of Adjustment members briefly reviewed the applications. An audio recording is available for review in the Community & Economic Development office.

Travis Nay explained that variance requests are reviewed on their own merit and must be based on some type of hardship or unusual circumstance for the property and is based on state outlined criteria, and that financial issues are not considered a hardship.

#### APPROVAL OF MINUTES

Mr. Halliday made a motion to approve the minutes from March 11, 2013 as submitted. Mr. Ishino seconded the motion.

A voice vote was made. The motion passed, 5-0.

#### CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

#### CASE #1468 – RECOVERY WAYS CHATHAM HOUSE – 385 West 4800 South – Project #13-49

Jim Petersen was the applicant present to represent the request. Tim Tingey reviewed the location and request for a variance of 18 feet to the front yard setback and parking lot landscaping requirements of the M-U (Mixed Use) zoning district for the property located at 385 West 4800 South. Murray City Code Section 17.146.050(A) requires that buildings in the M-U zoning district have a front yard setback of between 15 and 25 feet measured from the back of curb on the adjacent street. Section 17.146.050(K) requires that parking lots be located between 15 and 25 feet from the back of curb. The 25 foot setback required is the maximum front yard setback allowed in the M-U zone. The applicant proposes a building setback of 43 feet from back of curb. The applicant also applied for a parking lot setback variance to allow the parking lot to be located 43 feet from the back of curb. The variance request is the result of minimum separation regulations from a power line that runs along the east side of the property on Galleria Drive. In addition, the east property line is located approximately 42 feet from the curb because of the location of the existing utilities. Based on review and analysis of the application material, subject site and surrounding area, and applicable Murray Municipal Code sections, the Community and Economic Development Staff finds that the proposal meets the standards for a variance. Therefore, staff recommends approval with the following condition:

1. The proposed building shall meet all applicable requirements of the Power Department and building code related to setback from the power line.

Jim Petersen, 6609 Old Mill Circle, stated they are requesting to have their building further away from Galleria Drive because of the easement along that road. Mr. Halliday asked if the power lines are underground or overhead. Mr. Petersen replied they are overhead. However, there are underground water and sewer easements throughout the property as well. He stated the power lines are Murray City power lines.

The meeting was opened for public comment.

Todd Wardle, 393 West 4800 South, stated they are the neighboring property. Mr. Wardle feels there is a safety issue along 4800 where this building is supposed to be 17 ft. from the curb. The sidewalk that is there does not allow him to see out of his driveway when he is pulling out. The concern is the potential of hitting someone walking on that sidewalk. Mr. Wardle would like the requirement to be 17 ft. from the sidewalk instead of the curb so there is more visibility. Ms. Haidenthaller asked if he was the property west of the applicant's property. Mr. Wardle responded in the affirmative.

Mr. Nay stated that his understanding is there isn't a driveway entrance off 4800 South. Mr. Wardle responded in the affirmative, but noted his drive entrance is off of 4800 South. Mr. Wardle also mentioned the parking lot in the back of the building slopes towards his property. That area is dirt now and because of that water does not run onto their property, because it is being saturated into the ground. When asphalt goes in, his concern is that he will get water run-off. He stated that he would like some assurance that the curb that backs up to his property as high or higher than the street level.

The public comment section was closed.

Mr. Tingey clarified that this process includes the applicant going through the site-plan review process. The site plan application process will include review and approval by all the applicable departments for this development. The City Engineer will address the issue of the grading and how storm water is being retained on site. Mr. Tingey stated that he will also make sure the engineering department is aware of the concern. Addressing the safety issue, Mr. Tingey stated there is a site visibility standard and the applicant will have to adhere to the code standards related to that.

Mr. Nay asked what type of fencing will need to be built next the neighboring property. Mr. Tingey stated that since this site is located in the Mixed Use zoning district whose standards are slightly different than a residential zoning district.

Ms. Haidenthaller asked if the residents are able to get feedback from the site plan review. Mr. Tingey stated they can contact his office or are welcome to attend the meeting, although it is not a public hearing, the public is welcome to sit in. Ms. Haidenthaller made note, as long as the visibility issue is addressed she doesn't have any problem with this issue.

Mr. Halliday made a motion to approve a variance of 18 feet for the front yard setback and an 18 foot setback to the parking for the property located at 385 West 4800 South, subject to the condition:

1. The proposed building shall meet all applicable requirements of the Power Department and building code related to setback from the power line.

Mr. Ishino seconded the motion.

Vote recorded by Mr. Tingey.

A \_\_\_\_\_ Mr. Nay  
A \_\_\_\_\_ Mr. Halliday  
A \_\_\_\_\_ Mr. Ishino  
A \_\_\_\_\_ Ms. Haidenthaller  
A \_\_\_\_\_ Mr. Olsen

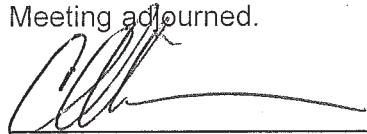
Motion passed, 5-0.

Ms. Haidenthaller made a motion to approve the Findings of Fact as prepared by staff.  
Mr. Halliday seconded the motion.

A voice vote was taken. Motion passed, 5-0.

OTHER BUSINESS

Meeting adjourned.

A handwritten signature in dark ink, appearing to read 'Chad Wilkinson', is written over a horizontal line.

Chad Wilkinson, Manager  
Community & Economic Development